

REMARKS

The foregoing amendment is in response to the Office Action of October 1, 2007, the telephone interview with the Examiner which took place on October 11, 2007, the amendment faxed to the Examiner on October 12, 2007 following the interview, and the Advisory Action of November 1, 2007 in which the Examiner indicated that the proposed amendment would not be entered since it raised new issues requiring further search.

Following this amendment, the claims remaining in this application are claims 1 to 35, 37 to 48, 50 to 56, and 59 to 68, with claims 1, 18, 37, 50, 51, 61, 63, and 67 being the independent claims. The proposed amendment is the same as the amendment faxed to the Examiner on October 12, 2007, except that the previously withdrawn claims are no longer canceled, and new claims 61 to 68 have been added. The new claims are variations of the claims discussed with the Examiner in the telephone interview and are distinguished from the main reference cited by the Examiner, U.S. Patent No. 5,580,340 of Yu, for the same reasons as those claims, as explained in more detail below.

Also accompanying this amendment is a Supplemental Information Disclosure Statement bringing to the Examiner's attention some co-pending applications which are related to this application as well as some additional prior art references cited or recently discovered in connection with those applications. It is respectfully requested that the Examiner consider and make of record the references cited in the accompanying Information Disclosure Statement.

1. Interview with Examiner on October 11, 2007

In the telephone interview of October 11, 2007, proposed amendments to the independent claims 1, 18, 36, 37, and 50 were presented to the Examiner, and the differences between the amended claims and unchanged independent claim 51 and U.S. Patent No. 5,580,340 of Yu were discussed.

In the interview, agreement was reached as to all of the independent claims apart from claim 36, and claim 36 has been canceled in the foregoing amendment. Dependent claims 49, 54, 57, and 58 have been canceled without prejudice or disclaimer, and dependent claim 60 has been amended to depend from claim 1.

As regards amended claims 1 and 50, Applicant indicated in the interview that these claims distinguish over Yu who has no secondary support fixed at a predetermined angular orientation

relative to a primary support (which supports the majority of the user's weight) throughout the exercise movement. The primary support in Yu is pad 31 and frame member 32. All other parts of user support move relative to this support during exercise (see Fig. 2, 3 of Yu). Following discussion of these differences in the interview, the Examiner indicated that these amended claims appeared to distinguish over Yu.

Amended claim 18 is distinguished over Yu since this reference has no upright at an angle less than 180° to a base member, together with a primary user support which supports the majority of the user's weight in the start position and comprises a pad mounted on the base member. In the Office Action, the Examiner defines the lower section of support frame 42 in Yu as the base member, but there is no pad mounted on this part of the frame in Yu. Instead, the pad is mounted at the upper end of support frame or member 42 as a back rest, and this pad in any case is not the primary user support which supports the majority of a user's weight, which is pad 31 on frame member 32. Following discussion of these differences in the interview, the Examiner indicated that amended claim 18 appeared to be distinguished over Yu since there is no way that a support pad could be located on the lower portion of the frame member 42.

Amended claim 37 includes similar language to claims 1 and 50, and is distinguished over Yu for the same reasons. Claim 37 additionally defines the secondary user support as fixed at a predetermined angle less than 180° to the primary user support throughout the exercise movement. In Yu, the user's weight is supported by seat pad and base 31,32, back pad and back strut 41,42, and foot rest assembly 50. None of these parts remains at a fixed, predetermined angle relative to either of the other support parts throughout an exercise movement, as can be seen in Figures 2 and 3. In the telephone interview, the Examiner indicated that this claim also appeared to be distinguished over Yu.

Claim 51 is not amended since it is already distinguished over Yu, as discussed with the Examiner in the interview. Claim 51 defines a leg support which travels in the same direction as the primary support throughout the exercise movement. As seen in Figures 2 and 3 of Yu, the leg support 50 travels in the opposite direction (anti-clockwise or forward about pivot 111) to both the back rest and seat pad which each pivot rearward about their respective pivots, in a clockwise direction. Following discussion of these differences, the Examiner agreed that claim 51 appeared to be distinguished over Yu.

It is therefore submitted that the foregoing amendment deals with all grounds of rejection in the current Office Action, and that independent claims 1, 18, 37, 50, and 51 are allowable over Yu, as agreed in the telephone interview, and reconsideration and reversal of the previous claim rejections based on Yu is therefore respectfully requested. Since these claims are generic, it is submitted that applicant is entitled to consideration of the previously withdrawn claims which depend from these allowable claims, and consideration and allowance of all remaining claims which depend from independent claims 1, 18, 37, 50, or 51, specifically claims 2 to 17, 19 to 35, 38 to 48, 52, 54 to 56, 59, and 60 is therefore also respectfully requested.

2. New claims 61 to 68

It is also submitted that claims 61 to 68 are distinguished over Yu. New independent claim 61 is of similar scope to amended claim 1, except that the last five lines of claim 1 are omitted and a new limitation is added. The last five lines of claim 1 define portions of the combined weight of the user and user support pivot axis as located on each side of the vertical gravitational center line of the pivot axis in both the start and end position. However, this feature was not critical in distinguishing claim 1 over Yu.

Instead of defining weight located on each side of the vertical gravitational center line, new claim 61 defines a horizontal line passing through the user support pivot axis which is located below the entire user engaging part of the primary user support in at least one of the start and end positions of the exercise movement. Referring to Figures 13 to 16 (the elected embodiment), it can be seen that a horizontal line extending through user support pivot axis 205 is located below the user engaging part of the primary user support 199 in both the start and end positions of the exercise movement. Claim 61 is generic to this embodiment and all of the other embodiments in this application, since in each embodiment a horizontal line extending through the user support pivot axis is located below the user engaging part of the primary user support in at least one of these positions.

New claim 61 is distinguished from Yu for the same reasons as claim 1, specifically since Yu has no secondary support fixed at a predetermined angular orientation relative to a primary support

(which supports the majority of the user's weight) throughout the exercise movement. Claim 62 depends from claim 61 and is distinguished from Yu for the same reason.

New independent claim 63 is also similar to amended claim 1 and excludes the same language of claim 1 as claim 61, but includes a different additional limitation. Specifically, claim 63 defines a pivot assembly defining the user support pivot axis, and the pivot assembly located below the user's hips through at least part of an exercise movement. Referring again to Figures 13 to 16, the pivot assembly in this embodiment is pivot mount 195 and the pivot attachment between mount 195 and the user support frame at pivot 205. Clearly, this entire assembly is below the user's hips throughout the entire exercise movement. Claim 61 is generic to all other embodiments in this application, since they each have a pivot assembly below the user's hips through at least part of the exercise movement.

Claim 63 is distinguished from Yu for the same reason as amended claim 1 and new claim 61, specifically since Yu has no primary and secondary user supports which support spaced positions on a user's body with the secondary support fixed at a predetermined angular orientation relative to the primary support and remaining in this orientation throughout the exercise movement. Claims 64 to 66 depend from 63 and are distinguished from Yu for the same reasons.

New independent claim 67 is similar to independent claim 51 discussed with the Examiner in the telephone interview, except that the position of the pivot axis as defined in the last five lines of claim 51 is omitted, and claim 67 instead defines a horizontal plane which extends through the user support pivot axis and is located below the user's hips in at least one of the start and end positions. This is similar to claim 61 except that a horizontal plane through the pivot axis is defined, instead of a horizontal line, and it can be seen that this limitation is present in the elected embodiment of Figures 13 to 16 as well as all other embodiments in this application.

Claim 67 is distinguished from Yu for the same reasons as claim 51. Specifically, the leg support 50 in Yu travels in the opposite direction to both the back rest and seat pad. It is therefore submitted that claim 67 is also distinguished over Yu, along with claim 68 which depends from claim 67.

PATENT
Atty. Docket No. 111586-094UTL

CONCLUSION

It is believed that all claims remaining in this application, specifically claims 1 to 35, 37 to 48, 50 to 56, and 59 to 68 are in condition in all respects for allowance, and early notice to this effect is earnestly solicited. If the Examiner has any questions or comments regarding the above Amendments and Remarks or believes that a telephone conversation may be useful in advancing prosecution, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: November 5, 2007

By: Katherine Proctor
Katherine Proctor
Reg. No. 31,468

Procopio, Cory, Hargreaves & Savitch LLP
Customer No. 27189
530 B Street, Suite 2100
San Diego, California 92101-4469
T. (619) 238-1900
F. (619) 235-0398
Customer No.: 27189